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May 25, 2011

Madam chair and members of the committee,

I want to thank you for the opportunity to testify on behalf of AB30 and SB82. The bill has been commonly referred to as the Safe Families bill after the Safe Families organization that is ready to begin operations in Wisconsin, but has been prevented from doing so because of current law. This bipartisan bill is a simple change to our laws surrounding power of attorney for minors in the State of Wisconsin.

In the State of Wisconsin parents do not have the right to grant power of attorney to other parents. This constraint makes criminals out of well intentioned parents and prevents organizations like Safe Families from operating in the State of Wisconsin.

Let's take this example. If a single mother has a substance abuse problem and the police knock down her door, find drugs and arrest her, she is sent to jail and her children are enrolled in the foster care program. However, if a mother raises her hand and asks for someone to watch her children while she voluntarily attends a drug treatment center, she would be unable to utilize the foster care program. This bill will allow parents across our state who suffer from domestic abuse, drug and alcohol abuse, or other issues, to seek assistance while other responsible parents look after the children.

The bill also allows families the flexibility to deal with other life events that may require power of attorney to be transferred to other parents. For example, if both spouses are in the military and called to duty at the same time, this bill will allow the parents to sign power of attorney to another set of parents to act on their behalf during the course of their deployment.

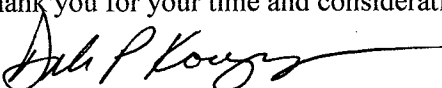
The fiscal estimate to this bill reflects zero cost and zero savings. However, the state will indirectly save money by relieving the state and local governments of children who would otherwise be enrolled in the foster care program.

The bill will also create jobs. The Safe Families organization has been operating with success in other states. They are ready to hire professionals to assist in facilitating their mission here in Wisconsin.

Most importantly, this bill will save and change lives. There is nothing more important to our community than our children.

I want to thank Tracie Weldie and the entire Safe Families organization, the Wisconsin Bar Association, the Department of Children and Families, in particular Secretary Anderson, fellow legislators from both sides of the aisle and their staff for their work on this bill. You will hear additional testimony from these dedicated professionals.

Thank you for your time and consideration. I am open to questions at this time.


Rep. Dale P. Kooyenga

Public hearing before the **Senate Committee on Public Health, Human Services and Revenues**, Thursday, May 19th @ 10 am, Capital Building, Madison: Room 411 South

Re: Testimony in favor of **Senate Bill 82 (Assembly Bill 30)**

Good Morning, Mr. Chairman and subcommittee members,

I am Robin Stuht and I serve as the homeless education coordinator for the School District of Beloit in Rock County. Since the beginning of the school year in Beloit, we have counted 426 students as homeless under the federal McKinney-Vento Homeless Education act. Subgroups of these students are both homeless and "unaccompanied" or not in the custody of a parent or guardian; 86 students are in this category this school year. Most, but not all, of these students are in high school. Students are unable to stay in their homes due to family conflicts, relocation of parents due to unemployment, parental incarceration, substance abuse or mental illness, or domestic violence in the home. Each student's story is unique but in every case "home" is not a safe and nurturing place. At times, girls are kicked out of their homes for becoming pregnant, endangering both the girl and her unborn child. In other cases, girls become pregnant as a result of trading sex for a place to stay.

Brandon is one of our youngest unaccompanied youth that would have thrived in a Safe family Home. His story began with parents that fought all the time and were abusive to each other and the kids before they divorced. Brandon lived with his father because his mom's new boyfriend was violent. He adored his new stepmom who was the only stable loving adult to ever enter his life. After many nights of police visits and fighting, his dad murdered his stepmom and went to prison. Brandon was sent back to live with his mom who's boyfriend just became incarcerated for bruising the kidneys of his younger sibling. After the boyfriend got out of jail, Brandon's mom took him back. Brandon was 10 years old when he ran away and couch surfed in unsafe environments for the next 8 years. Brandon only wished for one thing in his life.....To be loved.

Unaccompanied students face many barriers to fully benefitting from their education. Often these students are worried about where they will sleep that night, how they will get a meal, or where they can bathe, rather than focusing on school work or planning for their future. Currently in Rock County, there is no safe and appropriate place for these students to go. Most of our students resort to "couch surfing" or staying at the

homes of friends, relatives or acquaintances for short periods of time. Others sleep in cars or stay in stores at night. Some have reported sleeping outside of schools, in parks or near the library. When Rock County Human Services gets involved, they have limited resources to respond to the needs of these students. Often, students are returned home, parents who are threatened with neglect charges take the child back and the cycle of family conflict begins again. Without the root cause of the family conflict being addressed, students usually end up homeless again in a short amount of time. When these children are taken into custody by child protective services, often, the only placement option they have is the juvenile detention center. Students placed in the juvenile detention center are not allowed to leave the facility for any reason, not even to attend school. They cannot have any of their own belongings. They are effectively "jailed" even though they have done anything wrong.

I believe that these students need and deserve a better option for care than being put into a juvenile jail, sleeping in a car, or couch surfing from one home to another. These children need a nurturing home with adults who can consistently care for them. I am confident that the people of Rock County will step forward to provide safe and loving homes for children who need them, if they are given the opportunity. Please pass **Senate Bill 82 (Assembly Bill 30)** to allow our students a chance at a safe and stable home.

Respectfully submitted by,



Robin Stuht

School Counselor

School District of Beloit, Homeless Coordinator

C.C. *Chair:* Senator Galloway (R - Wausau, 29th district)

Vice Chair: Senator Lazich (R - New Berlin, 28th district)

Senator Vukmir (R - Wauwatosa, 5th district)

Senator Carpenter (D - Milwaukee, 3rd district)

Senator Jauch (D - Poplar, 25th district)

Public hearing before the **Senate Committee of Public Health, Human Services, and Revenues**

Thursday, May 19 @ 10 a.m., Capital Building, Madison: Room 411 South

Re: Testimony in favor of **Senate Bill 82 (Assembly Bill 30)**

Good morning, Mr. Chairman and sub-committee members.

My name is Jennifer Brady and I am a 29 year old mother of a 1 ½ year old daughter recently in a Safe Family placement in Rockford, IL. I would like to briefly share about my life prior to this placement and how my life has changed in these past 90 days.

Growing-up with a mother who is a marijuana and cocaine addict and a father who is an alcoholic, I thought that substance abuse was 'in my blood' and starting using at age 13. At age 19, I began a daily prescription drug use and began a journey for these last 10 years that has ruined my whole life... losing my family and friends; all possessions; becoming jobless...until I lost everything. Then three years ago, I became depressed and tried to commit suicide. Six months ago, I finally left my parents home after my father went to jail; convicted of domestic battery for physically abusing me in front of my two children. I needed to leave their home, but this resulted in a lifestyle of homelessness and living on the streets.

A few months ago, a friend convinced me to go into a Detox unit; a first time experience for me. I had actually planned to start using as soon as I was released. For the first time I was forced to confront my 'demons', realizing that I could not ever return back to live with my parents. Life was becoming too self-destructive. Upon leaving Detox, I became aware of a recovery housing program that required 30-days of sobriety before one could be admitted. Unable to obtain any community housing due to unpaid utility bills, I was left without any options until someone provided me with some information about Safe Families. That next day I was welcomed into a Safe Family home with my daughter Mariah where I remained for about 6 weeks until I was accepted into the recovery housing program a few weeks ago...my daughter stayed with the safe family until she was able to move in with me a couple of weeks later.

So what has this all meant to me, besides being clean and sober for the first time in 10 years? This has been an amazing and wonderful experience. Living with people who really care about me and my daughter has opened my eyes to a lot of new things that I never was aware of growing-up...like living in a safe environment. I know that my daughter was actually safer with the host Safe Family than with any of my family members. I can't believe the number of volunteers involved with Safe Families who have helped me with transportation to get to meetings and appointments, stepped-in to assist with childcare, and who have met with me in a team to be supportive and

encouraging in this new transition. They are like a new family to me and my daughter loves them to death. I am beyond grateful. I don't have to be scared anymore about the chance of losing my children to foster care because of my neglectful lifestyle. Yes, in looking back, these have been the worst 10 years of my life. But I have this confidence that my life has really changed and I have no doubt that I will be 'giving back' as a safe family myself someday.

I wish to lend my support towards the passage of the **Senate Bill 82 (Assembly Bill 30)** and hope that this action will help other parents like myself connect their children with a safe and nurturing home in their community. Thank you for listening to my testimony.

Respectfully submitted by,

Ms. Jennifer Brady

C.C. Senator Galloway (Chair)

Senator Lazich (Vice-Chair)

Senator Vukmir

Senator Carpenter

Senator Jauch



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson
Chief Justice

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A. John Voelker
Director of State Courts

Testimony
Of
Nancy M. Rottier
Legislative Liaison
Director of State Courts

in Opposition to

Assembly Bill 30 and Senate Bill 82

Senate Committee on Public Health, Human Services and Revenue
Sen. Pam Galloway, Chair
May 25, 2011

Thank you, Chairperson Galloway and members of the Committee. I am Nancy M. Rottier, the Legislative Liaison for the Director of State Courts. I am appearing on behalf of the Legislative Committee of the Wisconsin Judicial Conference to express its opposition to Assembly Bill 30 and Senate Bill 82, and their respective substitute amendments. These bills would create a new power of attorney process and form for parents, legal guardians or custodians to delegate their parental authority to another person.

The Wisconsin Judicial Conference is composed of all appellate and circuit court judges in Wisconsin. The Legislative Committee is the Judicial Conference's elected committee of judges who examine legislation to determine its impact on the court system. The Legislative Committee opposes AB 30 and SB 82.

The Legislative Committee believes these bills raise concerns about the interplay of The Children's Code and the process set up by the bills. The Children's Code, in s. 48.01, Wis. Stats., has a lengthy statement of legislative purpose, stating first and foremost that "the best interest of the child or unborn child shall always be of paramount consideration." The Children's Code gives significant responsibilities to the courts in situations where the best interests of the children may dictate that intervention with the family is required. It also has elaborate procedures designed to protect the constitutional and other legal rights of the children and the parents.

These bills appear to take a much more casual approach to the relationship of parents and children than the balance of The Children's Code, allowing a child to be outside the home for up to a year with virtually no supervision or oversight.

As an example of that casual approach, we would note that the amended AB 30 and Senate Substitute Amendment 1 to SB 82 no longer require the Department of Children and Families to adopt administrative rules to implement this legislation. Rule-making would now be discretionary for the important areas of training requirements for staff, screening and assessment requirements, expectations for the organization's agents and oversight of those agents.

I want to be clear that this opposition is not made to make a judgment about the Safe Families organization or any other particular organization that might facilitate delegations of power by parents under this bill. Based on the information we have seen, we do not doubt the good faith or intentions of this organization.

But the legislation is very broad, with very little restriction on what organizations would be allowed to facilitate the delegation of parental authority. Its provisions go to all organizations, not just the one appearing before the Legislature. As such, it is important that the legal framework established by these bills be strong enough to protect children and their families.

We recognize these bills have already received some strong support and have made progress through the Legislature, so we would ask the committee to consider strengthening the bills in a few particular areas. We think some changes to the substitute amendments can help insure children's protection and safety.

One area of particular weakness is the lack of communication and coordination between parents whose children are already under the jurisdiction of the juvenile court and who might be considering executing a delegation of powers. We foresee situations in which a court order might already exist but that a parent nevertheless executes a power of attorney. We think the legislation must explicitly say that a parent may not execute a delegation of powers if a court has already exercised jurisdiction over the child under s. 48.13 or s. 48.14, and that any such delegation would be void or at least subject to court oversight. This suggestion would be similar to the current prohibition on page 11, lines 22-25 about a parent placing a child in a foster home.

In line with that suggestion is another to eliminate or amend page 12, lines 9 and 10 that would allow a delegation of powers that is not in conflict with a court order. We believe this language would have to be adjusted so that, at a minimum, the court would have the authority to say the delegation is not in conflict with an existing court order.

A third suggestion is to require the Power of Attorney Delegating Parental Power to contain a statement that a parent may not use the form if the child is already subject to the jurisdiction of the court.

Finally, we would suggest that if administrative rules are adopted, they also contain a requirement that an organization governed by the rule make appropriate inquiries to determine if a court has already exercised jurisdiction over the child under s. 48.13 or s. 48.14.

For these reasons, we urge you to reject or, at least amend, the substitute amendments to AB 30 and SB 82 in order to provide greater protections for the children of the state. I would be happy to answer any questions you may have. Thank you.



Safe Families for Children— Greater Madison Area

Safe Families for Children -
Greater Madison Area
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www.safe-families.org

Senate Bill 82 Public Hearing – Committee on Public Health, Human Services & Revenues

May 25, 2011
Room 411 South

Good morning Ms. Chairperson and committee members,

In the spring of 2009, I was one of several local community members who formed a Task Force to study Safe Families with the hope of bringing this transformative program to the Madison area. We believe that the Safe Families model offers a unique response to the ever-increasing needs of families in distress. In reality, many people already act informally as “safe families” all over Wisconsin - helping their friends and neighbors by keeping their children overnight, for a weekend or even longer while they are in the hospital or facing any number of personal conflicts. Our Host Safe Families are trained, caring volunteers willing to open their homes to strangers whose own families and friends just don’t have the economic or emotional resources to help out in that way. This bill merely allows parents in need to receive that help for their families.

During the period of time spent researching this innovative community outreach initiative, we learned that Safe Families has made a clear effort to create a program that can be easily duplicated and customized. Their policies and procedures are thorough and focused on child safety. In addition, their infrastructure of national databases and web-based networks is already well established.

Safe Families for Children of the Greater Madison Area was officially established in early 2010 under the umbrella of Lydia Home, a private child welfare organization, registered in Wisconsin, and which has been operating in Illinois for over 90 years. Over this past year, the Safe Families Madison Advisory Council and staff have been presenting the Safe Families concept to faith communities for the purpose of recruiting and screening volunteers. We’ve also met several times with State and Dane County Human Services to share the Safe Families vision and to learn how we can best support and enhance the goals of the Department of Children, Youth and Family Services (DCYFS) in the Madison Area. Most recently, we have worked with DCYFS to make sure we are meeting or exceeding their expectations for thorough screening and background checks of our volunteers.

Our prospective Host Safe Family volunteers must complete a detailed application, several hours of monitored online training, a thorough home assessment, reference checks and a complete background check – similar to the screening process for licensed foster families. Host Safe Families are also advised and supervised by a qualified case coach who makes sure the placement is appropriate and successful.

One of the great strengths that drew us to the Safe Families program is that throughout the period of temporary placement, biological parents never lose custody, are encouraged to visit

and communicate with their children, and to reunite as a family as soon as possible. Most importantly, we know Safe Families works because of the dramatically positive outcomes in Illinois and 15 other states - all with the power of volunteers supervised by Safe Family staff and very low operational costs. We hope to bring the same benefits to Wisconsin families.

Since 2010, we have received start-up funds from two area faith communities and two large, unsolicited anonymous donations - enough funding to hire staff and serve families for this year and beyond. To date, over forty faith communities from various parts of Madison and Dane County have expressed interest in supporting and potentially volunteering with Safe Families. As we grow, we plan to serve families within a 50 mile radius around Madison.

Although we are unable to facilitate child placements under the current law, we have begun serving parents through our Family Friends mentoring program. Screened and trained Family Friend volunteers are paired with under-resourced families providing them with friendship and practical support such as tutoring, helping plan a family budget, or teaching how to prepare nutritious kid-friendly meals. We have already completed our first volunteer orientation and are serving our first family in Waunakee. Twenty other Family Friend volunteers are waiting to be matched to a family in need.

We are very optimistic about this start, and Family Friends will continue to be an important part of Safe Families as we grow, but there is so much more we can do. There are families right now on the brink of homelessness, mothers who need to go to the hospital, and parents searching for work who just need someone to watch their children for a few days or a few weeks while they get back on their feet. And there are many caring people who would be happy to provide that temporary home - who would be transformed by the experience of truly helping their neighbors in a substantial, meaningful way. We already have twenty Host Safe Family volunteers here in the Madison area ready to reach out. Through Senate Bill 82, you can be an important part of this opportunity to change lives for the better right here in Wisconsin by giving parents a safe and supportive legal option for child placement when facing a crisis. I urge you to vote to support Senate Bill 82 in committee, and either Senate Bill 82 or Assembly Bill 30 when they come to the floor for passage. Thank you for your time.

Respectfully submitted by,

Rona Neri-Bergmann
Program Coordinator
Safe Families for Children: Greater Madison Area

C.C. *Chair:* Senator Galloway (R - Wausau, 29th district)
Vice Chair: Senator Lazich (R - New Berlin, 28th district)
Senator Vukmir (R - Wauwatosa, 5th district)
Senator Carpenter (D - Milwaukee, 3rd district)
Senator Jauch (D - Poplar, 25th district)

Information Packet: Safe Families for Children in Wisconsin

What is Safe Families?

Safe Families is a non-profit community outreach program that connects families in crisis with volunteers from the local community. Safe Family volunteers serve families by opening their homes to children on a temporary basis, or by becoming a 'coach' to the custodial parent; all toward the purpose of assisting with a family's stabilization.

History:

Founded in 2002 by LYDIA Home Association, a Chicago-based Christian child welfare agency, Safe Families for Children has 18 local programs across the US, in 15 different states. The Greater-Madison and Milwaukee Areas have established competent Advisory Boards and many volunteers to launch and implement this program in Wisconsin.

The Law:

Current Wisconsin law prevents a parent from having anyone other than a blood relative provide overnight care for their children. The law should be changed to give parents the right to delegate the care and custody of their child by a properly executed power of attorney. **The law in Wisconsin must be changed before parents can responsibly exercise the decision to place their children through the Safe Families program.**

Objectives of the Safe Families Program:

- Biological Parents maintain full custody during a child placement with Safe Families;
- Volunteer families are extensively screened, trained, monitored and supported;
- Close working relationships between Safe Families and the referring organization are maintained;
- Volunteers are trained and supervised by a trained and experienced social worker;
- Commitment to reunite the family as soon as possible.

Goals and Benefits of Implementing the Safe Families Program:

- **Child Welfare Deflection:** Provides a safe alternative to child welfare custody, thus significantly reducing the number of children entering the Wisconsin state child welfare system;
- **Child Abuse Prevention:** By offering support; the goal is to avert potential abuse/neglect episodes;
- **Family Support and Stabilization:** Many Safe Families Volunteers become the extended family that a struggling family never had;
- **Savings to the state and counties:** Direct Cost savings estimated between \$5 – \$25 million dollars per year;
- **Strengthening families who are hurting:** Provides faith and community groups as a way to reach out to others.

Recognitions Received:

- 2010-- Peter F. Drucker Award for Nonprofit Innovation.
- 2007-- Most Outstanding Child Abuse and Prevention Program in Northern Illinois.

National Program Featured on: CBS Evening News, CNN, *The New York Times* and many others.

Website: www.safe-families.org

Contact details:

Milwaukee: Traci Weldie (414) 374-3490 email: milwaukee@safe-families.org

Madison : Rona Neri-Bergman (608) 850-3043 email: rneribergmann@safe-families.org



Safe Families for Children Metrics

Updated through December 2010

- ▶ 18 Sites Nationally Representing 15 states
- ▶ 21 Additional Sites in Development
- ▶ 26 Sites in the Beginning Stages of Interest
- ▶ 71% of the children we serve are 5 years or younger

Accumulated Statistics Since Inception (2003 through December 2010):

	<u>National</u>	<u>Chicago</u>
No. of placements of children:	3,624	2,574
No. of children served:	2,181	1,499
Mean length of stay:	39.80 days	44.56 days
Median length of stay:	14.0 days	16.0 days
Mean age:	4.75 years	4.49 years
Median age:	3.07 years	2.87 years
Actual days of service provided:	144,230	114,686

Annual Statistics:

<u>National:</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>
No. of placements of children:	1,532	1,061	456
No. of children served:	1,001	702	316
Actual days of service:	47,534	44,087	17,771
Number of unique families that served by taking in a child:	575	370	186

<u>Chicago:</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>
No. of placements of children:	905	693	405
No. of children served:	556	468	273
Actual days of service provided:	30,201	34,342	16,267
Number of unique families that served by taking in a child:	331	263	163

Outcomes (where children go after placement in Safe Families):

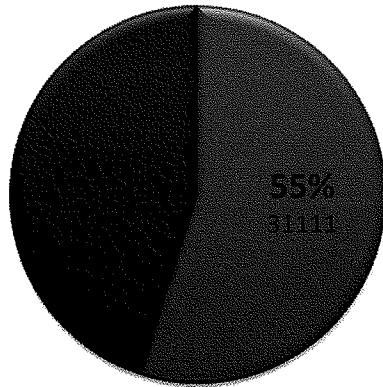
	<i>National</i>	<i>Chicago</i>
Returned to parent / guardian	84.54%	83.39%
Placed with relative / friend	5.26%	5.49%
DCFS	4.36%	5.34%
Transferred into another program	2.44%	2.02%
Long-term guardian	1.99%	2.36%
DCFS but remain with Safe Family	0.76%	0.72%
Youth in college	0.14%	0.14%
Run (child runs away)	0.52%	0.53%



WI CPS Statistics: 2009

WI CPS Reports w/Maltreatment: 2009

Total: 56,619



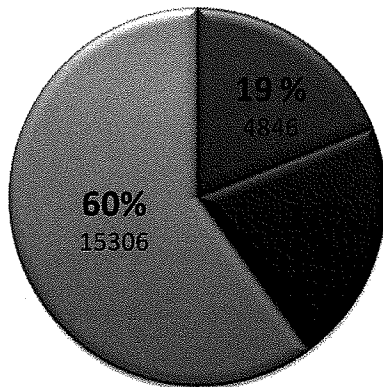
■ Screen-out

■ Screen-in / Investigated

(i) Potential Safe Families referrals: **31,111**

WI CPS Screen-in/Investigated: 2009

Total 25,508



■ Investigated / Service by CPS

■ Investigated / Refer to
Community Service

■ Ultimately Screen-out

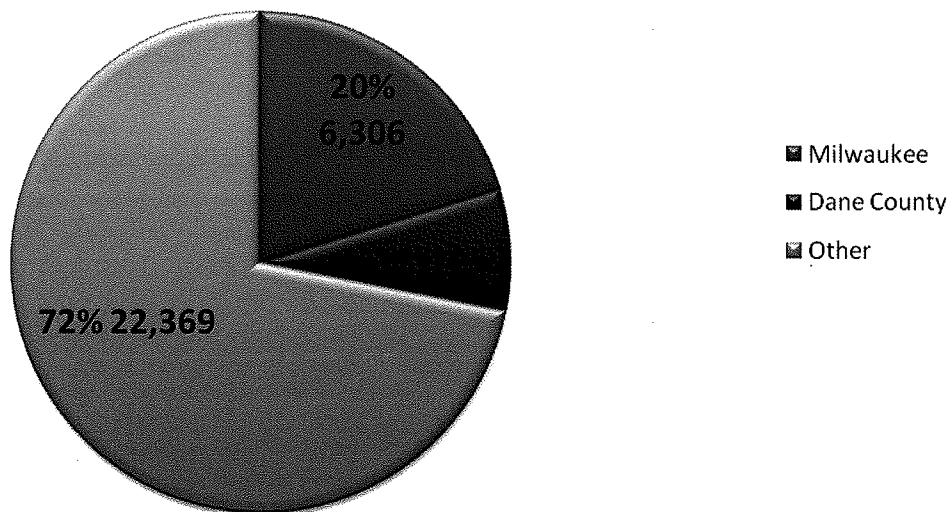
(ii) Potential Safe Families referrals: **15,306**

Total (i and ii) potential referrals for 2009: **46,417**



Milwaukee and Dane County CPS Statistics: 2009

Milwaukee and Dane County CPS
Screen-out for 2009
Total: 8,741



Potential Safe Families referrals in Milwaukee and Dane counties for 2009: 8,741

Reference:

Bureau of Program Integrity, Division of Safety and Permanence, Wisconsin Department of Children and Families. (2009). **WI Child Abuse and Neglect Report.**

<http://www.dcf.wisconsin.gov/cwreview/reports/CAN.htm>.

www.safe-families.org



Senator Galloway and members of the committee,

I am here today to urge you to pass SB82 and AB-30. I am a mom who sees the value of allowing parents the right to decide who can take care of their children.

Last summer, my husband and I heard about Safe Families and decided to become one. Little did I know that decision would lead to me directing Safe Families in Milwaukee. When we found out that Safe Families could not legally help families in the state of Wisconsin, I said, "**Then let's change the law!**" I wanted to change the law because I have seen families in need up close and personal in Milwaukee.

As the director of Safe Families Milwaukee, I have had the privilege of telling a few people about this idea of parents in crisis voluntarily allowing someone they trust to care for their children. Someone who would care for their children, and unlike anything else out there, also develop a relationship with that parent. No shame. No judgments. No threat of their children being taken away. Knowing that legally, we are not allowed to help parents do this right now, I have told few people. But, already the word is getting around and I receive phone calls weekly from parents in need of help. Most of the phone calls I get are from single moms who love their children and have suddenly found themselves homeless. They do not want to lose their children. They just need someone to care for those children while mom looks for a job and secures a place to live. Right now, I have to tell them to hang in there and wait.

I have talked with homeless coordinators at public schools, ministry leaders, homeless shelter operators and social workers and across the board the response is "We need you!" We have the opportunity to serve families who have not abused or neglected their children but simply need some help. An over-run and over-burdened system should not have to do this and Safe Families is a way for the faith community to come along side the welfare system and offer support.

The other end of the spectrum of my job is to recruit families willing to do something very unique and open up their home to a child without any compensation. . Over the course of the last 6 months, over 52 families have expressed interest in becoming a host family and currently 24 families have completed the process to become a certified host family. All of these families have done this despite not knowing when they could actually start hosting children. I have dozens of churches in the Milwaukee and Waukesha area who are just waiting for Safe Families to become legal because they are excited to introduce their congregations to this ministry opportunity. My goal is to recruit 500 host families within 5 years. Beyond the host families, we have multiple professionals willing to donate their services, tens of adults signing up to mentor the children, and small groups coming together to care for a parent in need.

In addition, I have been contacted by churches in the Chippewa Valley, Appleton, Green Bay and Eau Claire who are anxious to start Safe Families in their area.

You may find it of interest that I have also been in regular conversations with the FBI and a Social Services Advocate from the Counter-Trafficking Project with the National Immigrant Justice Center. They are very interested in Safe Families in Milwaukee and are anxious to partner with us to provide safe places for children who are rescued from human trafficking. Finally, officers from local police departments have expressed their desire to be able to offer a SF home to families when they are called to a home.

In Milwaukee, we have put together an advisory board and have been speaking at many churches in and around the city. Monetary donations have been made by churches and individuals that meet all our expenses.

The potential for neighbors helping neighbors across the entire state of Wisconsin is a reality. In Milwaukee, people are poised and ready to step up and contribute to the strengthening of families and communities. Right now, we can't do this even if we wanted to. Please pass SB82 and let us begin.

Traci Weldie, Safe Families – Milwaukee, Director

414-374-3490 / www.safe-families.org/ tweldie@gmail.com

ELMBROOK

CHURCH

May 25, 2011

To Chairman Galloway and Committee Members,

My name is Mike Murphy. I am a Pastor at Elmbrook Church in Brookfield, WI. Elmbrook Church is a non-denominational church with an average weekend attendance of 6,000. As the Pastor with the specific responsibility for Community Engagement, I engage regularly with agencies, ministries and individuals in Waukesha and Milwaukee counties that provide services in the community. Yet, I still see gaps between those needing help and those wanting to help. Consequently, we are deeply committed to helping not just those within our membership but those in the community that often lack hope and simply need someone to come alongside them. As a faith community, we have learned that what we can offer those in the midst of a family crisis is our time, our presence and our commitment to be there for the long haul.

Elmbrook Church considers it a privilege today to offer our support and encouragement for the passage of AB30/SB82. We believe in this legislation because it expands the options for serving vulnerable children and families that face difficult circumstances by allowing a caring parent the opportunity to choose a short term guardian for their child.

As a church, we are especially supportive of AB30/SB82 because we believe it will open up a new avenue for the members of our congregation to reach out and serve families in times of crisis within our own neighborhoods and cities. Currently, we have thousands that are serving locally. However, we also have thousands more who are looking for opportunities to connect to a person, practically and tangibly. We see a deep desire within our faith community to help in direct ways and AB30/SB82 will allow us to connect those in need with those ready to serve.

One may ask, "Why don't we just encourage our congregation to serve as foster parents?"

First, we have members that currently serve as foster parents and we affirm their commitment to this high calling. However, we believe AB30/SB82 will create an opportunity for more families within our church to serve; whether to host a child or be a part of the support system for the host family within our church.

Second, we welcome the opportunity for those in our church to come alongside not just the children but the parents who have asked for help. Part of our responsibility as a local church is

to invest in the lives of those in crisis. Many times the issues that lead to a parent desiring to place their child with a trusted family is complicated and is not easily addressed with quick fixes. However, as a church community committed to strengthening families and communities, we encourage our members to invest their time by coming alongside, as a friend and ultimately as extended family, to help someone in need, expecting nothing in return. Our desire is to provide a network of care so that families in crisis in our neighborhoods and cities have somewhere and someone to look to for support.

We want to encourage you and others to support AB30/SB82 as it has the potential to unleash thousands within our churches to connect with those who need hope and simply do not know where to turn. This hope can be practically manifested by connecting caring and competent people with those in need, in a dignified way, with the common goal of restoring families and strengthening our communities.

Thank you,

A handwritten signature in black ink that reads "Mike Murphy". The signature is fluid and cursive, with the first name "Mike" and last name "Murphy" clearly distinguishable.

Mike Murphy
Associate Pastor
Community Engagement
Elmbrook Church
Brookfield, WI

CHILDREN & THE LAW SECTION

Date: May 25, 2011

TO: Members, Senate Public Health, Human Services & Revenue Committee

FR: Attorney Rändi Othrow, Chair
Children & the Law Section

RE: SB 82 – POA transfer of custody (companion bill to AB 30)

The Children & the Law Section (CLS) of the State Bar of Wisconsin is comprised of attorneys who have a special interest in laws that affect children. Section members include judges, court commissioners, prosecutors, guardians ad litem, agency attorneys and private practice attorneys who represent various parties including children, parents, and grandparents as well as agencies that serve children. We share your interest in finding solutions to protect the best interests of children.

The Section supports creating a power of attorney (POA) which will allow parents to grant another adult permission to have placement of and make decisions for their minor child.

CLS has been working for several years on a comprehensive re-write of the juvenile guardianship statutes. 2009 SB 706 was introduced on the last day of the 2009-10 legislative session in order to disseminate the Section's work on guardianship reform in a public forum for others to review and contemplate. The original language for Assembly Bill 30/Senate Bill 82 was the language our Section suggested in 2009 SB 706.

In the year since 2009 SB 706 has been public the Section received feedback and suggested improvements for the power of attorney provisions from many sources. The Section believes these improvements strengthen the original draft language. We shared the suggested changes with the author of Assembly Bill 30, Representative Kooyenga, and are pleased that he incorporated these suggestions in Assembly Substitute Amendment 1 to AB 30 and urge you to adopt the same amendment language to SB 82.

Senate Bill 82 seeks to create a power of attorney (POA) which will allow parents to grant another adult permission to have placement of and make decisions for their minor child.

Under current law, if a parent wants their child to reside with another responsible adult for a period of time longer than thirty days, petitioning the court for a formal guardianship is the only legal option which will allow the other adult to enroll the child in school, seek medical care and provide health insurance.

Children often reside with other adults for a limited period of time. Some of the many reasons include situations where the custodial parent is unavailable due to the parent's active military duty, medical treatment for the parent, jail/prison sentence, substance abuse, mental health treatment, or if the child's educational needs or desire for intensive sports training demand a



STATE BAR OF WISCONSIN

different living arrangement. A power of attorney such as the one contemplated by SB 82 will allow a parent to make plans for their child's care without the expense and delay of court proceedings and will *decrease* the number of guardianships thereby reducing court congestion.

We strongly support language which clarifies that executing a POA would not prevent or obstruct:

- (a) A child abuse or neglect investigation under Wis. Stat. § 48.981 from proceeding;
- (b) An intake inquiry under Wis. Stat. § 48.24 from being completed;
- (c) A child being taken into protective custody under Wis. Stat. §§ 48.19-48.21; and
- (d) A court from assuming jurisdiction under Wis. Stat. § 48.13.

The Section also supports provisions for a uniform format which will be easily recognized by medical and educational providers, and provisions which provide that background checks be conducted in appropriate situations and provisions which include the permissive reporting of child abuse and/or neglect. The Section also recommends limiting the power to grant a POA to a legal custodian as essential to prevent a non-custodial parent from unilaterally transferring the child's placement from the custodial parent's care.

These suggestions will not infringe on the custodial parent's authority to make decisions for their child. These provisions will, instead, provide protection for the child who might otherwise be abused or exploited by a parent or other individual who would use a POA to prevent authorities from intervening in abuse or neglect situations (i.e. such circumstances might include trafficking of children for sexual abuse or illegal adoptions, child pornography and other forms of child exploitation). The language will allow a child protective services agency to intervene in those circumstances where child abuse or neglect referrals have been made but would not trigger agency involvement in non-abuse or neglect circumstances.

Thank you for your interest in issues which our Section members believe are important to children and families. We urge you to support Senate Bill 82 as amended by Senate Substitute Amendment 1.

The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only.

The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.

If you have questions about this memorandum, please contact Sandy Lonergan, Government Relations Coordinator, at slonergan@wisbar.org or (608) 250-6045.

Senate Bill 82 Public Hearing – Committee on Public Health, Human
Services & Revenues

May 25, 2011

Good morning Chairwoman Galloway and committee members,

My name is Asha Sawyers and I work with BASICS in MKE serving at-risk-youth and families. I work closely with a few MPS school to provide resources to children and families in need. I see firsthand the need for a program such as Safe Families.

Recently I received a call about a 5th grade girl who needed housing. She was at her Aunt's house when her mother was caught in a house fire and did not get out alive. The aunt wanted to take the young girl but simply needed some time to transition. Safe Families would have been a great temporary landing place .

I know of another family I have been helping with food and clothing for a while now. Mom is a single mother of two she is at the end of her rope with her oldest son (17) and trying desperately to raise her 9 year old daughter. She has many challenges, but one of the biggest is her sickle-cell anemia that keeps her in and out of the hospital. She called me a few weeks ago but I was not home. She left me a message saying that she didn't want to leave her daughter with her son because she felt it unsafe, but she needed to get to the hospital. She asked if I was able to take her daughter for a few days. Unfortunately I didn't get this call until the next day. She took her daughter to the hospital, where this 9 year old spent the entire night with nurses waiting for someone to take care of her. Safe families could have be a great resource in this situation. I got a call for an MPS administrator I know well, she ask me to come as soon as possible because she need to talk with me. I assumed this was about a student. When I arrive she began to tell me that her husband of 12 year had left her last month and she is barely getting by with her two twin girls. I told her I could help her with food, she begin to cry and thanked me. I just sit with her, after awhile she said "I don't know what to do about the house, the two

cars, the bills and the girls. They are too young to understand and they blame me for this. I need a moment to think. I don't want to jump up and do anything, I need to think." I ask if there was family that could step in and help with the children for a little while, she answered "I'm from down south, I don't have any family here, only his family and they won't help me." All I could think of was Safe Families.

The last story I have is my own. My mother was a single mother of 4 who had no family or friend to support her. She struggled to do just about everything and as we got older she got more and more violent. I eventually was placed into foster care, separate from the little family I had known and left with no support. Sadly, I aged out of the system but not before I was a teen mother myself. While raising a child at 16 I found I need help and lots of it. Although I lived in a house with people in it, foster parents could not be forced or paid enough to give all the help and support I needed. During my time in foster care I move between 11 different homes and 8 different facilities. Unfortunately I didn't get the help and support I needed until much later when I was connected to my spiritual family, the church.

Every person needs a support system. For most kids that is usually a mother, father, sister, brother, aunt or uncle. But, when there is no support system, the greater community becomes that system, children become "wards of the state" and those children grow-up to severely lack a support system. Instead of flourishing on their own, these children grow up continuing to depend on the greater system. Safe families would be a great place of refuge for so many people in need. It is time for a movement to change our communities' one family at a time.